

**REMARKS**

**The Section 102 Rejections**

Claims 1-3, 5-6, 8 and 13-14 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,822,878 to Jones ("Jones"). Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Claim 1, on which the remaining claims depend, includes, among other things, "a diffuser for allowing air to exit or to dry a surface of a user's body." In contrast, Jones discloses a dryer for a motor vehicle and is wholly unrelated to drying a surface of a user's body, as in claims 1-3, 5-6, 8 and 13-14 of the present invention.

Applicant notes the Examiner's comments in the Response to Arguments section of the Final Office Action beginning on page 4. In these comments, the Examiner states that "the primary reference are capable of performing the intended use step since the disclosed dryer [presumably the one in Jones] can be used to dry a surface of a user's body" (word in brackets added).

Candidly, Applicant and her attorney find this statement to be straining credulity. It is respectfully submitted that the dryer disclosed in Jones which is exclusively used to dry a motor vehicle, cannot safely be used to dry a person's body. In addition, it is respectfully submitted that one of ordinary skill in the art upon reading Jones would never think of using the dryer disclosed in Jones to dry a surface of a user's body.

Applicant also points out that Jones itself states that the “operator of the vehicle is typically inside the vehicle during the washing and drying processes” (column 4, lines 43-46). Therefore, Applicant respectfully submits that it is next to impossible for the dryer in Jones to dry the surface of a person’s body when the person is inside the vehicle. Nowhere in Jones is it disclosed or even suggested that the surface of a person’s body is dried.

Applicant also notes that each of the rejected claims of the present invention requires movement means for moving a diffuser over a wide range of angles in order to dry different parts of the surface. Jones does not disclose or suggest such a movement means. In fact, Jones teaches away from the use of such a movement means. At least in column 6, lines 43-55, Jones discusses the so-called “Coanda effect.” Jones notes that prior art driers included side nozzles that were oscillated “over a very wide arcuate range.” Jones goes on to say that “however, the inventors herein have discovered that the oscillation of the side nozzles should be limited to much narrower arcuate range.” Thus, Jones teaches away from using movement means to move a diffuser over a wide range of angles; exactly the opposite of the claimed invention.

Because Jones does not disclose each and every feature of the present invention, Jones cannot anticipate claims 1-3, 5-6, 8 and 13-14.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-3, 5-6, 8 and 13-14.

**The Section 103 Rejections**

**(i) The Section 103 Rejection of Claim 4**

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Jones in view of U.S. Patent No. 6,038,786 to Aisenberg et al. ("Aisenberg"). Applicant respectfully disagrees and traverses this rejection for at least the following reasons.

As admitted in the Office Action, Jones fails to disclose or suggest a control means which comprises a transceiver for detecting the presence or absence of a user as in claim 4 of the present invention.

In addition, Applicant respectfully submits that Aisenberg does not overcome the deficiencies in Jones as described above.

Accordingly, Applicant respectfully submits that claim 4 is patentable over Jones and Aisenberg for the reasons stated above with respect to claims 1-3, 5-6, 8, and 13-14, and in addition, for the reasons set forth in the Office Action.

Applicant also submits that the combination of Jones and Aisenberg is improper because in order to combine Jones and Aisenberg one or both of these references would have to be modified in such a way that one or both of these references' intended purposes would be rendered unsatisfactory and/or one or both of these references' principles of operation would have to change.

As indicated above, Jones is aimed at a dryer for a motor vehicle while Aisenberg is aimed at a wall-mounted hand dryer. Either Jones's motor vehicle dryer would have to be modified to work as a hand dryer or Aisenberg's hand

dryer would have to be modified to work as a motor vehicle dryer. In any case, such a modification would render Jones and/or Aisenberg unsatisfactory for their intended purposes or require Jones or Aisenberg's principles of operation to be modified; both are impermissible (see MPEP 2143.01).

Accordingly, Applicant respectfully requests withdrawal of the pending rejection and allowance of claim 4.

**(ii.) The Section 103 Rejections of Claims 7 and 9-10**

Claims 7 and 9-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jones in combination with the Examiner's personal knowledge. Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Initially, Applicant notes that claims 7 and 9-10 depend from claim 1 and are therefore patentable over Jones for the reasons set forth above with respect to claim 1.

In addition, Applicant notes that the Examiner has relied on the rationale that the subject matter of claims 7 and 9-10 are obvious design choices for rejecting claims 7 and 9-10. Applicant respectfully submits that this is not the proper standard for obviousness.

Applicant notes that it raised this issue in its last response. In the most recent Final Office Action, the Examiner states that he has "modified the second obviousness rejection to more clearly show the design choice obviousness consideration and not address examiner's personal experience as

asserted by Applicant.” However, in the obviousness rejection of claims 7 and 9-10, the Examiner states “it would have been an obvious matter of design choice to provide any type of construction material, since the Applicant has not patently distinguished those types of claimed construction material from those found in the prior art cited in this action...”. Applicant respectfully submits that this is simply a rewording of the Examiner’s previous rejection. That is, the Examiner has not set forth the basis which would motivate one of ordinary skill in the art to combine the Jones reference with the prior art (unnamed by the Examiner) to arrive at the subject matter of claims 7 and 9-10 of the present invention. As indicated above with respect to claim 4, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine a dryer which is used to dry automobiles with any prior art aimed at drying a user’s body.

Absent the motivation to combine Jones with the unnamed prior art, Applicant respectfully submits that the present rejection is impermissible and should be withdrawn.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 7 and 9-10.

**(iii.) The Section 103 Rejection of Claim 11**

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Jones in view of U.S. Patent No. 5,970,622 to Bahman (“Bahman”).

Applicant respectfully disagrees and traverses this rejection for at least the following reasons.

Initially, Applicant notes that claim 11 depends from claim 1 and is therefore patentable over the combination of Jones and Bahman for at least the reasons set forth above with respect to claim 1 because Bahman does nothing to overcome the deficiencies of Jones as set forth above.

In addition, Applicant notes that the combination of Jones and Bahman is improper. As indicated above, Jones is directed at a dryer for a motor vehicle while Bahman is directed at a dryer for styling hair using both hands. As such the combination of Jones and Bahman would require that the principles of operation for either Jones or Bahman or both would have to be changed. This is impermissible (see MPEP 2143.01). In addition, if one or both of the principles of operation of Jones and Bahman were modified, this would render either Jones or Bahman unsatisfactory for their intended purposes. Again, this is impermissible (see MPEP 2143.01).

Applicant notes the statement made by the Examiner in the most recent Final Office Action where it is stated that "it would have been obvious to one of ordinary skill in the art to combine the teaching of Jones with that of Bahman." Applicant respectfully disagrees. Again, it strains credulity to believe that one of ordinary skill in the art would combine an industrial dryer used to dry automobiles with any dryer, be it Bahman or any other dryer, which is used to dry the surface of a person's body.

Accordingly, Applicant respectfully requests withdrawal of the pending rejection of claim 11 and allowance of claim 11.

**(iv.) The Section 103 Rejection of Claim 12**

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Jones in view of U.S. Patent No. 5,857,263 to Chan ("Chan"). Applicant respectfully disagrees and traverses this rejection for at least the following reasons.

Initially, Applicant notes that claim 12 depends from claim 1 and is therefore patentable over the combination of Jones and Chan for the reasons set forth above with respect to claim 1 because Chan does nothing to overcome the deficiencies in Jones as set forth above.

In addition, Applicant respectfully submits that the combination of Jones and Chan is improper. Again, Jones is directed at a dryer for a motor vehicle while Chan is directed at a conventional hand-held dryer. The combination of Jones and Chan requires that the principle of operation of either Jones or Chan or both be modified. This is impermissible (see MPEP 2143.01). In addition, if such modifications were made, they would render either Jones or Chan or both unsatisfactory for their intended purposes. Again, this is impermissible (see MPEP 2143.01).

Accordingly, Applicant respectfully requests withdrawal of the pending rejection of claim 12 and allowance of claim 12.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

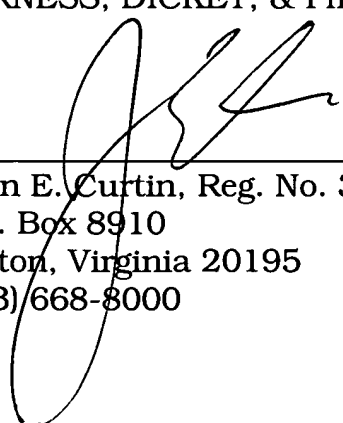
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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